

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the	)	
License to Conduct Gambling Activities of:	)	NO. CR 2009-01180
	)	
Robert W. Brown	)	<b>FINDINGS, CONCLUSIONS,</b>
Tukwila, Washington,	)	<b>DECISION, AND FINAL</b>
	)	<b>ORDER IN DEFAULT</b>
Licensee.	)	

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THE MATTER of the revocation of the license to conduct gambling activities of Robert W. Brown having come before the Commission on January 15, 2010, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

The Washington State Gambling Commission issued Robert W. Brown the following license No. 68-12826, formerly employed by the Great American Casino/Tukwila. The license expired on October 19, 2009, was issued subject to Mr. Brown's compliance with state gambling laws, and Washington State Gambling Commission rules.

II.

On October 16, 2009, Director Rick Day, issued administrative charges to Mr. Brown by certified and regular mail. The administrative charges notified Mr. Brown that his failure to respond would result in the entry of a default order revoking his license. Mr. Brown did not respond to the charges.

By not responding to the charges, Robert W. Brown waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

- The Sonoma Player Tracking System is a point based player reward computer system. A player receives points while playing house banked card games. The more wagered and played, the more points received. When the card room issues a comp, points are converted into a cash value, and the comp can be redeemed for merchandise and food at the card room by the on-duty supervisor.
- The supervisor issues the comp by logging into the system, pulling up the individual player's information, and requesting the comp. The comp is then printed up on a piece of paper that includes the amount of the comp, the player's name, and a spot for the customer to sign and date.
- On August 6, 2009, a Commission Special Agent (agent) received a complaint that Shift Supervisor Robert Brown was using unauthorized comps from the Sonoma Player Tracking System at Great American Casino.

- The agent spoke with the General Manager, Doug Evanson, who informed her that Mr. Brown was printing unauthorized comps and providing them to employee Marques Banks in exchange for cash and drugs.
- Mr. Evanson provided the agent with surveillance video and copies of comps and receipts. The agent reviewed the information and observed the following:
  - July 29, 2009 23:20 hours - Mr. Brown prints one comp.
  - July 29, 2009 23:21 hours - Mr. Brown prints two comps.
  - July 29, 2009 23:22 hours - Mr. Brown puts the comps in his jacket pocket on the left side.
  - July 29, 2009 23:24 hours - Mr. Brown prints one comp.
  - July 30, 2009 17:47 hours - Table of six sits down to eat, Mr. Banks waits on table.
  - July 30, 2009 18:52 hours - Male patron pays food bill (Check # 373) with cash.
- The agent reviewed three comps that were used to pay for meal transactions on July 30, 2009. In each case, Mr. Banks was the server, and all of the comps redeemed had not been signed.
  - Check # 373-\$30 comp used from Sonoma player Chis-nina WANG
  - Check # 399-\$30 comp used from Sonoma player Sum Le.
  - Check # 419-\$25 comp used from Sonoma player Ghebremicael Shwayne.
- Mr. Brown admitted to providing Marques Banks with comps from the Sonoma system in exchange for cash and drugs. Mr. Brown reported that the scheme started in early summer 2009, and that it happened every Wednesday. He said he would print out three or four comps each Wednesday, for approximately \$20 or \$25 a piece. Mr. Brown said he would print them all out at once, either using his house Sonoma account or any customer that happened to be in the system. This is reflected in the surveillance described above.
- Mr. Brown said he would meet Mr. Banks in a meeting place where he knew there was not surveillance. He said at the time of the exchange, Mr. Banks would give him some money or some kind of pill.
- Mr. Banks is not a licensee. Mr. Banks admitted that he redeemed comps from Mr. Brown that he knew were unauthorized. He would take the comps and wait for a customer to pay with cash, and then he would use the comp in place of the cash, pocketing the cash. This is also depicted in the surveillance. Mr. Banks reported that he would typically give about 60% of the cash back to Mr. Brown. He also admitted giving pills to Mr. Brown. Mr. Banks stated that the scheme had gone on since January of 2009.
- Mr. Brown was terminated by Great American Casino for committing fraud, and not following the card room's internal controls, a violation of WAC 230-15-425(2). The internal controls require that card room systems, the Sonoma System, be properly managed by the supervisors. Therefore, grounds exist to suspend or revoke Robert Brown's license under RCW 9.46.075(1) and (8), WAC 230-03-085(1), WAC 230-15-425, RCW 9.46.153, RCW 9.46.190, and RCW 9.46.1961.

**RCW 9.46.075 Suspending or revoking a license or permit states:**

The Commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (8) Has failed to prove by clear and convincing evidence qualifications for licensure.

**WAC 230-03-085 Suspending or revoking a license or permit states:**

We may suspend or revoke any license or permit, when the licensee or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsection applies.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

**WAC 230-15-425 Internal controls (2) states:**

Licensed card room employees must follow the internal control procedures for their individual functions.

**RCW 9.46.190 Violations relating to fraud or deceit states:**

Any person, association, or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

- (1) Employ any device, scheme, or artifice to defraud; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

**RCW 9.46.1961 Cheating in the First Degree** states:

(The following subsections apply.)

- (1) A person is guilty of cheating in the first degree if he or she engages in cheating<sup>1</sup> and:
- (a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or
  - (b) Holds a license or similar permit issued by the State of Washington to conduct, manage, or act as an employee in an authorized gambling activity.

(2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section, the court may impose an additional penalty of up to twenty thousand dollars.

**RCW 9.46.153 Applicants, licensees-Responsibilities, and duties-Waiver of liability-Investigation statement as privileged states:**

(The following subsection applies.)

- (1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

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<sup>1</sup> **RCW 9.46.196 Cheating Defined** - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

IV.

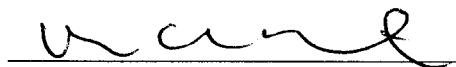
**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Robert W. Brown's license to conduct gambling activities under the authority of RCW 9.46.075, and WAC 230-03-085.

**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Robert W. Brown's license to conduct gambling activities is revoked.

DATED this 15 day of January 2010.



KEVEN ROJECKI, Chair



JOHN ELLIS, Vice Chair

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MICHAEL REICHERT



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**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

Motions must be mailed to:

Washington State Gambling Commission  
Communications & Legal Division  
PO Box 42400  
Olympia, Washington 98504-2400

Or delivered in person or via private courier:

Washington State Gambling Commission  
Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE  
Lacey, Washington 98503

